

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ANTHONY R. BLAJESKI,

Plaintiff,

v.

Case No. 13-C-795

CAROLYN W. COLVIN,
Commissioner of Social Security,

Defendant.

ORDER FOR REMAND

This is an action for judicial review of a decision by the Commissioner of Social Security denying an application for disability benefits. The Commissioner has filed a motion to remand the case for the limited purpose of determining whether the plaintiff meets or equals the criteria of listing 12.05. The plaintiff agrees that a remand is necessary, but opposes that the defendant's request that the remand be limited to the sole issue of whether the plaintiff meets listing 12.05. In his thorough brief filed in support of the action for review, Plaintiff pointed out other alleged errors by the Administrative Law Judge (ALJ) to which the defendant has offered no response. Plaintiff requests that the action be remanded for a de novo hearing requiring the ALJ to evaluate the medically determinable physical and mental impairments as documented in the record, further evaluate the severity and degree of functional limitations stemming from the impairments, further evaluate Plaintiff's credibility, and assess Plaintiff's residual functional capacity. Plaintiff further requests that the ALJ be instructed to obtain, if necessary, supplemental vocational expert

testimony, proceed through the sequential evaluation process as needed, and issue a de novo decision.

Since the parties agree that a remand is necessary, the Court will order the case remanded for further proceedings. The Court declines the government's effort to restrict the remand to the limited issue of whether the claimant meets listing 12.05. Instead, the Commissioner should consider all of the issues raised in the comprehensive brief filed by the plaintiff and determine how best to proceed. Given the agreement on a remand, the court declines at this time without any argument on the other issues raised by the plaintiff, to limit the remand to the sole issue on which the Commissioner agrees remand is required.

Accordingly, the motion is granted and the case is remanded to the Commissioner pursuant to 42 U.S.C. § 405(g) for further proceedings consistent with this Order.

Dated this 6th day of March, 2014.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court